

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
FEB 05 2014
Clerk, U.S. District Court
District Of Montana
Missoula

STANFORD ALLEN LEWIS, JR.,

CV 13-138-M-DWM-JCL

Plaintiff,

vs.

ORDER

EXTRADITION TRANSPORT OF
AMERICA,

Defendant.

Findings and Recommendations of United States Magistrate Judge Jeremiah C. Lynch (Doc. 40) are now before the Court. Judge Lynch's report presents his findings on the merits of Plaintiff's Complaint and recommendation that default judgment be entered for the Plaintiff in the amount of \$75,000.00. (*Id.*)

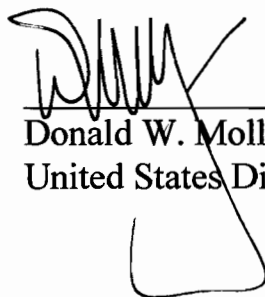
Where no party objects, the Court reviews the findings and recommendations of a United States Magistrate Judge for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error is present only if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch's Findings and Recommendations are without clear error. Lewis brings this case under 42 U.S.C. § 1983, asserting that Defendant Extradition Transport of America violated his rights under the Eighth and Fourteenth Amendments to the United States Constitution when he allegedly was injured while in transport from Arizona to Montana in May 2013. (Doc. 2.) The United States Marshals Service personally served Lewis' Complaint on Extradition Transport Services on November 4, 2013, (Doc. 21), but it failed to file an answer or otherwise plead. Default was entered. (Doc. 26.) Judge Lynch held a hearing on the matter of default judgment on January 9, 2014. (Doc. 37.) Lewis appeared *pro se* and Extradition Transport Services did not appear. (*Id.*) Judge Lynch found the Court to have both subject matter and personal jurisdiction in this case and that the Plaintiff's allegations regarding liability, taken as true in light of the Clerk's entry of default, are sufficient and entitle him to damages in the amount of \$75,000.00. (Doc. 40 at 5, 10.) The Court concurs with these findings and recommendations.

IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 40) are ADOPTED IN FULL. The Clerk of Court is directed to enter default judgment in favor of Stanford Allen Lewis, Jr. and against Extradition Transport of America in the amount of \$75,000.00.

IT IS FURTHER ORDERED that the Clerk of Court shall mail two certified copies of the judgment to Lewis and close this case.

DATED this 5th day of February, 2014.

A handwritten signature in black ink, appearing to read 'DMolloy', is written over a horizontal line. Below the line, the name and title of the signatory are printed.

Donald W. Molloy, District Judge
United States District Court